

# LEGAL NOTIFICATION AND PRIVATE PROPERTY OWNER PARTICIPATION for the State/Federal Register Process

Rev. October 2015

- State and federal laws each require notification to public officials and private property owners for every nomination to be presented at a meeting of the State Review Board and Board of Historic Resources.
- Deficient notification is grounds for removing a nomination from a board meeting agenda or removal of historic designation.
- At the end of this document, the signer agrees that all the information included with this form has been made available to the Department of Historic Resources in good faith and through best efforts to provide accurate and current information from current legal public records as detailed below.

## NEW STATE REGULATORY REQUIREMENTS FOR LEGAL NOTIFICATION

In 2015, Virginia Administrative Code 17VAC5-30 (Criteria and Procedures for Designations by the Board of Historic Resources) and 17VAC10-20 (Evaluation Criteria and Procedures for Nominations of Property to the National Register or for Designation as a National Historic Landmark) were updated to clarify the types of legal public records to be consulted for notification purposes, the time-frames within which such records are to be consulted, and the process by which property owners may object to a proposed nomination. The full text of the updated regulations are available online at

<http://register.dls.virginia.gov/details.aspx?id=5181> and  
<http://register.dls.virginia.gov/details.aspx?id=5182>.

Under these regulations, the list of owners who will receive legal notification “shall be obtained from either the official land recordation records or tax records, whichever is more appropriate, within 90 days prior to the notification of the proposal. The department shall send this written notice at least 30 but not more than 75 days before the State Review Board meeting at which the nomination will be considered.” Legal public records consulted within the specified time frame constitute **current** legal public records.

## ***The following legal notification materials and form are required with each nomination submittal:***

### LOCAL OFFICIALS

Names, offices, and titles are available through the local government’s website or by contacting the main phone number of the City, County, or Town government.

In a separate, clearly identified list, provide the names, offices, and mailing addresses for all the highest local elected and appointed officials and any other critical contacts for the proposed resource.

### ***All nominations require the following types of notification to local officials:***

*For an independent city property or historic district*, the chief elected official (usually the Mayor) and City Manager receive notification.

*For a county property or historic district*, notification is required for the Chairman of the Board of Supervisors and the County Administrator or Executive, under which the resource is located.

*For a town property or historic district*, the county information above **in addition** to the chief elected and appointed town officials (Mayor and Town Manager, etc.) must be provided.

For a Certified Local Government (CLG) locality, officials’ information is required in addition to the CLG coordinator’s information. A CLG can be an Independent City, County, or Town government. If you are unsure about CLG status, please consult with DHR Regional Office staff; also see a current list of Virginia’s CLGs at [http://www.dhr.virginia.gov/clg/clg\\_list.htm](http://www.dhr.virginia.gov/clg/clg_list.htm).

# LEGAL NOTIFICATION AND PRIVATE PROPERTY OWNER PARTICIPATION for the State/Federal Register Process

Rev. October 2015

## HISTORIC DISTRICTS AND MULTIPLE OWNERSHIP OF INDIVIDUAL PROPERTIES

In a separate, clearly identified list, provide the names, along with the complete legal tax parcel list and **mailing** address information, of all the individual property owners included within the proposed nomination boundary. For a historic district with multiple tax parcels and multiple owners, provide information for each owner. If an individual property has more than one owner, provide information for each owner.

Attach a **map** showing the labeled tax parcels as referenced within the proposed nomination boundaries to cross-reference with the ownership information. Include information for any and all city, state, and/or federal ownership, even if their properties are only vacant land parcels, and **identify** their owned parcels on the map. Do not forget to include infrastructure, such as bridges, overpasses, and dams. Please make sure this is the **current** full legal ownership information for all occupied and vacant properties as used for real estate/property tax notification by each locality and as required under Virginia Administrative Code (see above, “New State Regulatory Requirements for Legal Notification”).

The ownership information should be derived from the **current official land recordation records or tax records** (typically located in the locality’s Assessor’s Office). Do not use online GIS-based property owner records unless they mirror exactly the information found in the Assessor’s records. Shortened or truncated owner information found in GIS layers will not meet the legal standard for notification and the nomination will not be scheduled for a specific Board meeting.

## ADJACENT OWNERSHIP

In a separate, clearly identified list, provide the names, along with the complete **current** legal tax parcel list and **mailing** address information, of all the individual property owners immediately adjacent to the proposed boundaries of the nominated property or historic district. Attach a **map** showing the labeled tax parcels as referenced adjacent to the boundaries to cross-reference with the ownership information.

All owners of properties touching the nominated property or historic district boundaries or across the street from the nominated property or historic district must be included in the label lists of adjacent owners. Be inclusive and include owners that are cattycorner to the property as well. If a river, railroad, roadway or open expanse is on the edge of the proposed boundary, then owners on the other side are notified if they are within 300 feet (a football field’s length). This includes vacant parcels of land.

Adjacent ownership information should be derived from the **current official land recordation records or tax records** (typically located in the locality’s Assessor’s Office). Do not use online GIS-based property owner records unless they mirror exactly the information found in the Assessor’s records. Shortened or truncated owner information found in GIS layers will not meet the legal standard for notification and the nomination will not be scheduled for a specific Board meeting.

## MAILING LABELS

Regardless of the total number of owners, adjacent owners, and contacts, **two hard copies** of mailing labels and **one electronic version** (saved in Excel or Word format) must be provided along with the legal ownership information, list, and maps as discussed above. The labels should be printed or typed (no handwritten labels) with the same information as provided on the legal tax records.

Please make sure to **separate and identify** the groups of labels (owners, adjacent owners, local officials, etc.). Verify that the labels **do not have** partial owner names, partial addresses, and missing zip codes, especially with district lists. *Failure to provide complete mailing labels can result in an invalid notification process and the nomination will not proceed.*

**LEGAL NOTIFICATION AND PRIVATE PROPERTY OWNER PARTICIPATION**  
**for the State/Federal Register Process**

Rev. October 2015

**LEGAL NOTIFICATION FORM**

**This form provides current ownership information for an individually nominated property *or* contact information for a historic district nomination.**

Name of Nominated Individual Property or Historic District: \_\_\_\_\_

Located in City or County (and Town if applicable) of \_\_\_\_\_

Legal Tax Parcel # (also provide a copy of the referenced tax parcel map) \_\_\_\_\_

Individual Property Owner of Record (as stated on the legal tax record) \_\_\_\_\_

**or** Main Contact for Historic District \_\_\_\_\_

Mailing Address \_\_\_\_\_

City / State / Zip Code \_\_\_\_\_

Telephone: DAY \_\_\_\_\_ / \_\_\_\_\_ EVENING \_\_\_\_\_ / \_\_\_\_\_  
Area Code / Number Area Code / Number

**RECORDS CONSULTED (*this section must be completed and signed*)**

Type of current legal records consulted (tax or land records, deed books, etc.) \_\_\_\_\_

Location of records consulted \_\_\_\_\_

Internet Information – if online resources were used, then DHR ***must*** have a written and signed statement verifying this information mirrors exactly the tax assessor's in-office records at the time the information was accessed.

Date information was obtained \_\_\_\_\_  
***(For a historic district nomination, information must be obtained within 90 days of the scheduled public hearing. For all nominations, information must be obtained no more than 120 days before the quarterly Board meeting.)***

Who obtained the information \_\_\_\_\_  
(The nomination author, property owner, or representative of nomination sponsor may sign this form. Print your name, then sign and date, verifying you have obtained the most accurate and current information possible.)

**STATE AND FEDERAL CODES REFERENCED**

Code of Virginia 10.1-2206.1 (<http://law.lis.virginia.gov/vacode/title10.1/chapter22/>)  
Code of Virginia 2.2-3707 (<http://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3707/>)  
Virginia Administrative Code 17VAC5-30-100 and Virginia Administrative Code 17VAC5-30-120  
([http://register.dls.virginia.gov/documents/agency\\_resources/17VAC5-30emer.pdf](http://register.dls.virginia.gov/documents/agency_resources/17VAC5-30emer.pdf))  
Virginia Administrative Code 17VAC10-20-130 and Virginia Administrative Code 17VAC10-20-150  
([http://register.dls.virginia.gov/documents/agency\\_resources/17VAC10-20emer.pdf](http://register.dls.virginia.gov/documents/agency_resources/17VAC10-20emer.pdf))  
National Historic Preservation Act of 1966 TITLE I Section 101 (16 U.S.C. 470a) (<http://www.nps.gov/history/local-law/nhpa1966.htm>)  
Code of Federal Regulations Title 36 Chapter I Part 60 (36CFR60) ([http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr60\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr60_main_02.tpl))

# LEGAL NOTIFICATION AND PRIVATE PROPERTY OWNER PARTICIPATION for the State/Federal Register Process

Rev. October 2015

## HISTORIC DISTRICT NOMINATIONS – PUBLIC HEARING REQUIREMENT

For historic districts and multiple-ownership properties (i.e., nominated properties that have two or more tax parcels and two or more unmarried or unrelated owners), a Public Hearing Form must be submitted along with the legal notification form and mailing labels for local officials, owners, and adjacent owners. Consultants should work in consultation with the respective regional office and the locality when completing the public hearing form. This form can be obtained from DHR Regional Office staff and from DHR's website at [http://www.dhr.virginia.gov/register/downloading\\_register\\_forms.htm](http://www.dhr.virginia.gov/register/downloading_register_forms.htm). Public hearing date ranges for the current year are listed below as well as on the form itself, and must be planned to occur in coordination with the quarterly Board meeting at which the nomination will be presented. At the hearing, consultants should be prepared to make a brief presentation that describes the historic district's historical and/or architectural significance, and the methods by which the survey and nomination processes were completed.

## HISTORIC DISTRICT NOMINATIONS – PUBLIC HEARING SCHEDULE FOR 2016

March 17, 2016, Board Meeting

**\* FEBRUARY 8-16, 2016 PUBLIC INFORMATION HEARING PERIOD\***

June 16, 2016, Board Meeting

**\*MAY 9-17, 2016 PUBLIC INFORMATION HEARING PERIOD\***

September 15, 2016, Board Meeting

**\*AUGUST 8-16, 2015 PUBLIC INFORMATION HEARING PERIOD\***

December 15, 2016, Board Meeting

**\* NOVEMBER 7-15, 2015 PUBLIC INFORMATION HEARING PERIOD\***

**LEGAL NOTIFICATION AND PRIVATE PROPERTY OWNER PARTICIPATION**  
**for the State/Federal Register Process**

Rev. October 2015

**SRB/HRB QUARTERLY MEETINGS 2015**

The following information must be included with each historic district nomination at the time the nomination is submitted along with the completed Legal Notification Form and all mailing labels.

Consultants should be prepared to make a brief presentation at the hearing that describes the historic district's historical and/or architectural significance, and the methods by which the survey and nomination processes were completed.

Full Name of District: \_\_\_\_\_

Location (City or County [and Town if applicable]): \_\_\_\_\_

**PUBLIC INFORMATION HEARING PARTICULARS**

Meeting Day: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Meeting Time: \_\_\_\_\_

Location (Name of Facility): \_\_\_\_\_

Complete Address: \_\_\_\_\_  
(street, city, zip) \_\_\_\_\_

Handicapped accessible: \_\_\_\_\_

Local contact person for facility & telephone number: \_\_\_\_\_

Local government: \_\_\_\_\_

Local government person contacted and phone number: \_\_\_\_\_

**(Contact and coordination is Legally Required by DHR Staff)**

Date of contact with local government person: \_\_\_\_\_  
**(Required)**

Information submitted by: \_\_\_\_\_  
**(Signature Required)**

**PUBLIC INFORMATION HEARING PERIODS**

**MARCH 17, 2016**

**JUNE 16, 2016**

**SEPTEMBER 15, 2016**

**DECEMBER 15, 2016**

***\* FEBRUARY 8-16, 2016***

***\* MAY 9-17, 2016***

***\* AUGUST 8-16, 2016***

***\* NOVEMBER 7-15, 2016***